

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 07-48
v.	*	SECTION: "K" (5)
MANUEL RAY	*	VIOLATIONS: 18 U.S.C. § 924(c)(1)(A)
a/k/a "Desmond Ray"		21 U.S.C. § 841(a)(1)
a/k/a "Lemon"	*	21 U.S.C. §841(b)(1)(B)
a/k/a "Desmond D. Ray"		
	* *	

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved through the introduction of competent testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the Government in count three and count four of the superseding indictment now pending against the defendant, **MANUEL RAY**, (hereinafter "**RAY**" or "defendant") to wit: possessing with the intent to distribute five or more grams of cocaine base ("crack") in violation of Title 21 United States Code, Sections 841(a)(1) and 841(b)(1)(B) and knowingly possessing a firearm in furtherance of a drug trafficking crime in violation of Title 18, United States Code, Sections 924(c)(1)(A).

Evidence would be adduced at trial which would show that on February 5, 2007, U.S. Marshalls executed a federal capias for Manuel Ray, at his residence, rented and occupied by **RAY** and located at 4023 Baudin Street, New Orleans, Louisiana, in the Eastern District of Louisiana. A search of **RAY** incident to his arrest located \$1,200.00 in cash. A consensual

search of **RAY**'s residence found in the master bedroom closet, in a blue jean jacket belonging to **RAY**, a plastic bag containing a white powder substance and a hard rocky substance consistent with cocaine and cocaine hydrochloride, "crack". Additionally, the officers recovered from a slit in the mattress of the master bedroom a Rohm .22 caliber revolver bearing serial number 69504. A consent search of **RAY**'s Chevrolet Avalanche was conducted and U.S. Marshall's seized from the center console of the vehicle a digital scale with white residue on it.

RAY's companion would testify that the gun was found on the side of the bed in which **RAY** slept and that the blue jacket containing the "crack" also belonged to **RAY**.

A chemist would testify that the drug evidence described above as cocaine base "crack", a Schedule II narcotic drug controlled substance, contained cocaine base and the net weight of the cocaine base was 19.3 grams.

A drug trafficking narcotics expert would testify that based on the quantity of drugs, the packaging of the drugs, the amounts and types of cash recovered, and the weapon and its location near the cocaine base possessed by **RAY** was consistent with distribution of the drugs not personal use. The drug trafficking narcotics expert would also testify that **RAY** possessed the firearm in furtherance of his possession with intent to distribute cocaine base or "crack".

An ATF agent would testify that the aforesaid firearm, is a weapon designed to expel a projectile by the action of an explosive, and thus meets the definition of a firearm as defined by Title 18, United States Code, Section 921(a)(3).

TONY GORDON SANDERS
Assistant United States Attorney
Louisiana Bar Roll No. 11705

Date

MARTIN REGAN, JR
Counsel for Defendant
Louisiana Bar Roll No. _____

Date

MANUEL RAY, Defendant

Date